



DEPARTMENT OF THE NAVY

OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720

Ser DNS-36PS/15U107076

24 Aug 15

Sent via email to: (b) (6) @aol.com

Mr. Robert Hammond

(b) (6)

Dear Mr. Hammond:

This is in reference to your Freedom of Information Act (FOIA) request dated July 22, 2015 for "Records of Hammond Fiscal Year 2013 FOIA Requests Submitted to Walter Reed National Military Center (WRNMMC); Personal Reference number FOIA DON 15-I". Your request was received in our office the same day and assigned Case Tracking Number DON-NAVY-2015-007691.

Please find enclosed a copy of our response letter 5720 Ser DNS-36-JP/15U105010 dated 7 Jan 15 addressing your FOIA request.

Questions regarding this response may be directed to our FOIA Service Center at (202) 685-0412 or by email at donfoia-pa@navy.mil.

Sincerely,


FOR ROBIN PATTERSON
Head, DON PA/FOIA Program Office

Enclosure

Copy to:

Office of Government Information Services
Defense Freedom of Information Policy Office
Defense Health Agency Freedom of Information Service Center
Department of the Navy Chief Information Officer
Walter Reed National Military Medical Center Freedom of
Information Act Office
Bureau of Medicine and Surgery Freedom of Information Act Office



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7 Jan 15

Sent via email to: (b) (6) @aol.com

Robert Hammond

(b) (6)

Dear Mr. Hammond:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUESTS

This is in reference to a series of Freedom of Information Act (FOIA) requests submitted to Walter Reed National Military Medical Center (WRNMMC) and to the Bureau of Medicine and Surgery (BUMED). You have been in contact with these offices, as well as several offices along their respective chains of command, as well as an attempt to resolve this matter through mediation by the Office of Government Information Services (OGIS).

It is our understanding that your primary concern is the following: you submitted two (or more) FOIA requests to WRNMMC, which were (improperly) closed due to fee considerations. You appealed the response, and the ultimate result was that the fees were waived and your requests were processed. You are concerned not with the processing of those requests, but with the reporting of the disposition of the requests in the FOIA Annual Report. On this understanding, we are exclusively attempting to address your concern about the accuracy of the Annual Report.

Please be advised that the "raw data" you are seeking with regard to the Annual Report submissions, insofar as it addresses your direct concern, would be maintained solely by WRNMMC. Across DON, Annual Report Data is collected and compiled using DD FORM 2564. A blank copy of a DD FORM 2564 is attached. Please note that this form only tracks aggregate numbers, with no ability to infer the disposition of any specific request.

We contacted BUMED on this matter. BUMED advised that, due to unavoidable personnel management considerations, the BUMED FOIA office has been understaffed, which has delayed response to your multiple inquiries. We apologize for this delay. BUMED further advised that your requests had been directed to WRNMMC and that you were advised of this referral. Additionally, BUMED indicated that their offices have no record of a FOIA Annual Report submission from WRNMMC since Fiscal Year 2009.

With regard to WRNMMC, please be advised that recent reorganizations and redesignations have made it extremely difficult to determine which offices had administrative control over WRNMMC at which time, and that the specific matter of FOIA authority has been similarly unclear. The FOIA page for the WRNMMC website indicates that WRNMMC FOIA falls under the authority of DON. This is not correct. As of October 1, 2013, WRNMMC FOIA falls under the authority of the Defense Health Agency (DHA). If you have concerns about the service you are receiving from the WRNMMC Requester Service Center, please contact the DHA FOIA Liaison Officer at Defense Freedom of Information Policy Office, ATTN: Ms. Linda S. Thomas, Chief, Freedom of Information Service Center, Defense Health Agency, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042-5101, by phone at (703) 681-7500, or by email at FOIARequests@tma.osd.mil.

As an additional note, it is important to refer to the Department of Justice Office of Information Policy guidance regarding accurate completion of the Annual Report (copy attached). If your request was closed for a fee-related reason, appealed, remanded, and then processed to completion, it would be proper to report both the closure for the fee-related reason as well as the final disposition following remand ("For reporting purposes, a remanded request should be treated as a new request by the agency and the time spent processing the request should be included in the agency's Annual FOIA Report just as is done for all FOIA requests.")

In conclusion, please be advised that DON has no further involvement in this matter - WRNMMC no longer falls under DON for FOIA purposes, and BUMED properly responded to your requests for WRNMMC Annual Report data by referring those requests to WRNMMC. As noted above, if you have concerns about the service you are receiving from the WRNMMC Requester Service Center, please contact the DHA FOIA Liaison Officer.

We apologize for the difficulty you have had in the processing of your requests. Questions regarding this response may be directed to Mr. (b) (6) at (b) (6) or by email at (b) (6)@navy.mil.

Sincerely,



ROBIN PATTERSON
Head, DON PA/FOIA Program Office

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